

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: TRAVELERS CASUALTY AND SURETY COMPANY :
: as Administrator for RELIANCE INSURANCE :
: COMPANY, :

Plaintiff, :

-v- :

: DORMITORY AUTHORITY - STATE OF NEW :
: YORK, TDX CONSTRUCTION CORP. and KOHN :
: PEDERSEN FOX ASSOCIATES, P.C., :
: Defendants. :
: -----X

07 Civ. 6915 (DLC)

ORDER

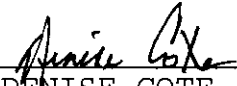
DENISE COTE, District Judge:

Having reviewed the parties' submissions in connection with
defendant Kohn Pedersen Fox Associates, P.C.'s motion to
dismiss, it is hereby

ORDERED that the October 1, 2007, motion to dismiss is
denied for substantially the reasons stated in Travelers
Casualty & Surety Co. ex rel. Reliance Insurance Co. v.
Dormitory Authority of State of New York, No. 04 Civ. 5101(HB),
2005 WL 1177715 (S.D.N.Y. May 19, 2005).

SO ORDERED:

Dated: New York, New York
January 24, 2008



DENISE COTE
United States District Judge